

**Security Council**

Distr.: General
13 February 2013

Original: English

**Argentina, France, Republic of Korea, United Kingdom of Great Britain and Northern Ireland and United States of America:
draft resolution**

The Security Council,

Recalling its resolutions and the statements of its President on Burundi,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

Welcoming the continued progress that Burundi has made towards peace, stability and development and *emphasizing* the need for the United Nations system and the international community, including the international financial institutions and Burundi's development partners, to maintain their support for peace consolidation and long-term development in Burundi, and, in that connection, *commending* the Government of Burundi on the finalization of the new Poverty Reduction Strategy Paper, second generation (PRSP-II), and on the agreement with the United Nations on a new United Nations Development Assistance Framework (UNDAF), and *commending also* the efforts of the Burundi Government to raise revenue through the Office of Burundi Revenue and reaffirming its support for the work of this institution,

Further welcoming the success of the Conference of Burundi's Development Partners held on 29-30 October 2012 in Geneva, which marks the commitment of international partners to support the efforts of Burundi to implement the PRSP-II and the commitment of the Government of Burundi to pursue structural reforms aimed at improving political, economic and administrative governance, in line with its National strategy on good governance and fight against corruption,

Commending the continued contribution of the United Nations Office in Burundi (BNUB) and the United Nations system to the country's peace, security and development,

Encouraging further efforts from the Government of Burundi to ensure a space for all political parties, including from the extra-parliamentary opposition, and to continue improving dialogue between all relevant actors, including civil society,

Taking note of the appointment of the new Independent National Electoral Commission (CENI) and urging CENI to work closely with all political actors for the preparation of the 2015 elections, in a spirit of continuous dialogue and search for consensus,



Welcoming the intention of BNUB and the United Nations system to organize, in 2013, an initiative, with broad participation, on lessons learned from the 2010 electoral process to inform the preparation of the 2015 elections,

Noting the efforts made by the Government of Burundi to improve the human rights situation in Burundi, and *remaining concerned* by continued human rights violations, in particular ongoing extrajudicial killings including politically motivated killings, mistreatment of detainees and torture, and restrictions on civil liberties, notably harassment, intimidation, including by youth groups, limitations on the freedom of press, of expression, of association and of assembly of opposition political parties, media and civil society organizations,

Noting with continued concern the continued attacks against civilians as well as security and defence forces in various parts of the country and the reports of paramilitary activities in neighbouring countries and *demanding that* all those involved to put an end to such acts,

Underscoring the importance of transitional justice mechanisms in promoting lasting reconciliation among all the people of Burundi, *taking note* of the draft law on the Truth and Reconciliation Commission developed by the Government of Burundi and passed to Parliament on 12 December 2012, and *recalling* in this context the commitment of the Government of Burundi to establishing transitional justice mechanisms consistent with the results of the 2009 national consultations, Security Council resolution 1606 (2005) as well as the Arusha agreement of 28 August 2000,

Recalling that Burundi is a State Party to the Rome Statute of the International Criminal Court since 2004, and has undertaken obligations to fight impunity for crimes falling within the jurisdiction of the Court, and *emphasizing* that the International Criminal Court is complementary to the national criminal jurisdictions,

Supporting the renewed commitment of Burundi to "zero tolerance" for corruption,

Welcoming the continued engagement of the Peacebuilding Commission in Burundi, including the contribution of the Burundi Configuration of the Peacebuilding Commission, and *welcoming* the readiness of the Peacebuilding Fund to provide an additional tranche of support to peacebuilding efforts in Burundi,

Supporting the continued commitment of Burundi to regional integration and cooperation with neighbours, notably through the Economic Community of Great Lakes Countries (CEPGL), the East African Community (EAC), and the International Conference on the Great Lakes Region (ICGLR),

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women and peace and security, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts and its resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) on children and armed conflict,

Having considered the latest report of the Secretary-General on BNUB (S/2013/36) and, in particular, the analysis it contains of progress and remaining challenges in relation to the benchmarks transmitted to the Security Council by the Secretary-General pursuant to resolutions 1959 (2010) and 2027 (2011), which are

intended to inform the future transition from BNUB to regular engagement by a United Nations country team,

1. *Decides* to extend until 15 February 2014 the mandate of BNUB, requesting it, consistent with paragraphs 3 (a) to (d) of the resolution 1959 (2010) and 2 (a) and (b) of the resolution 2027 (2011), to focus on and support the Government of Burundi in the following areas:

(a) Promoting and facilitating dialogue between national actors and supporting mechanisms for broad-based participation in political life, including for the implementation of development strategies and programmes in Burundi and towards ensuring a conducive, free and open environment for the run up to the 2015 elections;

(b) Strengthening the independence, capacities and legal frameworks of key national institutions, in particular judicial and parliamentary institutions, in line with international standards and principles;

(c) Supporting efforts to fight impunity, particularly through the establishment of transparent, independent and impartial transitional justice mechanisms to strengthen national unity, promote justice and promote reconciliation within Burundi's society, and providing operational support to the functioning of these bodies;

(d) Promoting and protecting human rights, including strengthening national capacities in that area, as well as national civil society;

(e) Supporting the efforts of the Government and the international community to focus on the socioeconomic development of women and youth and the socioeconomic reintegration of conflict-affected populations, including recently repatriated refugees and internally displaced persons, and advocating for resource mobilization for Burundi, with a view to consolidating peace, improving governance and relaunching sustainable development in the framework of the PRSP-II;

(f) Providing support to Burundi's deepening regional integration, as requested;

2. *Recognizes* the primary responsibility of the Government of Burundi for peacebuilding, security, protection of its population and long-term development in the country, and *encourages* the Government of Burundi to continue its efforts regarding peace consolidation challenges, in particular democratic governance, the fight against corruption, security sector reform, civilian protection, justice and the promotion and protection of human rights, with a special focus on the rights of women and children as well as marginalized and vulnerable minorities;

3. *Encourages* the Government of Burundi with the support of BNUB and other international partners to redouble its efforts to pursue structural reforms aimed at improving political, economic and administrative governance and tackling corruption, with a view to setting up strong drivers for sustained and equitable social and economic growth;

4. *Calls upon* the Government of Burundi to foster inclusive elections in 2015 by continuing to improve dialogue between all national actors, including civil society, and to guarantee a space for all political parties, including from the extra-

parliamentary opposition, to exercise their freedom to organize and prepare themselves for the 2015 elections;

5. *Calls upon* the Government of Burundi to pursue its efforts to ensure the promotion and protection of human rights and, together with its international partners, to support and strengthen the capacities of the National Independent Human Rights Commission and the Office of the Ombudsman in accordance with General Assembly resolution A/RES/48/134 on national institutions for the promotion and protection of human rights, and further *encourages* the Government to continue its fight against impunity and to take the necessary measures to ensure the full enjoyment of civil, political, social, economic and cultural rights as enshrined in the Constitution of Burundi and in accordance with its obligations under international law;

6. *Calls upon* the Government of Burundi to take further necessary steps to prevent human rights violations, in particular ongoing extrajudicial killings including politically motivated killings, mistreatment of detainees and torture, and restrictions on civil liberties, notably harassment, intimidation, including by youth groups, limitations on the freedom of press, of expression, of association and of assembly of opposition political parties, media and civil society organizations, and to ensure that such human rights violations and restrictions of civil liberties are put to an end;

7. *Calls upon* the Government of Burundi to take measures to fight impunity and support thorough, credible, impartial and transparent investigations, including by reinforcing the protection of victims, of their relatives and of witnesses, and to intensify efforts to ensure that those responsible for human rights violations and restrictions on civil liberties are swiftly arrested and brought to justice;

8. *Calls upon* the Government of Burundi to work with international partners and BNUB for the establishment of transitional justice mechanisms, including a credible and consensual Truth and Reconciliation Commission to help foster an effective reconciliation of all Burundians and durable peace in Burundi, in accordance with the results of the work of the Technical Committee, the 2009 national consultations, Security Council resolution 1606 (2005) as well as the Arusha agreement of 28 August 2000;

9. *Encourages* the Government of Burundi to pursue its efforts of peace consolidation and reconstruction in a regional perspective, especially through projects fostering peace, reconciliation and exchanges within the East African Community, the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region;

10. *Further encourages* the Government of Burundi, with the support of international partners as appropriate, to ensure the voluntary, safe and orderly return and sustainable reintegration of refugees to Burundi;

11. *Underscores* the importance of security sector reform and *urges* all international partners, together with BNUB, to continue supporting Burundi's efforts to professionalize and enhance the capacity of the national security services and the police, in particular through vetting for human rights violations, training on human rights and sexual and gender-based violence and promoting strong civilian oversight and monitoring, with the view to consolidating security sector governance;

12. *Calls on* the Government of Burundi, with the support of the Peacebuilding Commission and international partners, to honour its commitments on peacebuilding priorities as defined in the new Poverty Reduction Strategy Paper (PRSP-II), and *underscores the importance* that international partners, in collaboration with the Government of Burundi, and with the support of BNUB, the United Nations system in Burundi and the Peacebuilding Commission, continue to support Burundi's development efforts and ensure effective follow-up of commitments taken at the Geneva Conference of Development Partners to allow implementation of the PRSP-II and support the implementation of the new United Nations Development Assistance Framework (UNDAF);

13. *Takes note* of the progress on the implementation of the BNUB mandate and in Burundi's peace consolidation, as assessed against the benchmarks for the future evolution of BNUB into a United Nations Country Team presence and as reported by the Secretary-General, and *requests* the Secretary-General to keep the Council informed on the benchmarks, the implementation of the mandate of BNUB and this resolution, and the conditions that affect such implementation, and to provide a briefing by the end of July 2013 and a report by 17 January 2014, reflecting particularly the outcomes of the Strategic Assessment Mission (SAM) the Secretary-General has indicated his intention to deploy in the course of 2013;

14. *Decides* to remain actively seized of the matter.
